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# Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

## Report of the Fifth Committee

*Rapporteur*: Mrs. Denisa **Hutăнová** (Slovakia)

## I. Introduction

1. At its 2nd plenary meeting, on 17 September 2004, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-ninth session the item entitled "Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994" and to allocate it to the Fifth Committee.

2. The Fifth Committee considered the item at its 27th and 30th meetings, on 24 November and 14 December 2004. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/59/SR.27 and 30).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Financial report and audited financial statements and report of the Board of Auditors on the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens

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Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994;[1]

(b) First performance report of the Secretary-General on the International Criminal Tribunal for Rwanda for the biennium 2004-2005 (A/59/549);

(c) Report of the Secretary-General on the review of the biennialization of the budgets for the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia (A/59/139);

(d) Report of the Advisory Committee on Administrative and Budgetary Questions (A/59/561).

## II. Consideration of draft resolution A/C.5/59/L.15

4. At its 30th meeting, on 14 December, the Committee had before it a draft resolution entitled "Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994" (A/C.5/59/L.15), which was submitted by the Chairman on the basis of informal consultations coordinated by the representative of Australia.

5. At the same meeting, the Committee adopted draft resolution A/C.5/59/L.15 without a vote (see para. 6).

[1] *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 5K* (A/59/5/Add.11).

## III. Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

### Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

*The General Assembly*,

*Having considered* the reports of the Secretary-General, namely the first performance report for the biennium 2004-2005 on the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994[1] and the report on biennial budgeting at the Tribunals,[2]

*Having also considered* the report of the Board of Auditors and the recommendations contained therein,[3]

*Having further considered* the related report of the Advisory Committee on Administrative and Budgetary Questions,[4]

*Recalling* its resolution 49/251 of 20 July 1995 on the financing of the International Criminal Tribunal for Rwanda and its subsequent resolutions thereon, the latest of which were resolutions 58/252 and 58/253 of 23 December 2003,

1. *Takes note* of the first performance report of the Secretary-General for the biennium 2004-2005 on the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994[1] and the report on biennial budgeting at the Tribunals;[2]

2. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;[4]

3. *Notes with concern* the precarious financial situation of the International Criminal Tribunal for Rwanda;

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[1] A/59/549.

[2] A/59/139.

[3] *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 5K* (A/59/5/Add.11).

[4] A/59/561.

4. *Also notes with concern* the levels of unpaid assessed contributions, and urges Member States to pay their assessed contributions on time, in full and without conditions;

5. *Further notes with concern* the resulting freeze imposed by the Secretariat on the International Criminal Tribunal for Rwanda and the negative impact it is having on the completion strategy schedule, and requests the Secretary-General, in consultation with the Tribunal, to present proposals on ways to ameliorate the staffing situation at the Tribunal in the context of the proposed budget for the biennium 2006-2007;

6. *Requests* the Secretary-General to ensure that areas critical to the successful completion of the mandate of the Tribunal, in accordance with the completion strategy, are exempt from any freezes;

7. *Also requests* the Secretary-General to make every effort to reduce the vacancy rate and improve staff retention at the Tribunal, including by extending contracts of staff performing functions that are central to the implementation of the completion strategy beyond the period of the current budget;

8. *Further requests* the Secretary-General to submit the reports requested in paragraphs 17 and 23 of General Assembly resolution 58/253 in the context of the proposed budget of the Tribunal for the biennium 2006-2007;

9. *Welcomes* the efforts of the Tribunal, in accordance with its statute, to assist the Government of Rwanda in strengthening its judiciary, and requests the Tribunal to increase its capacity-building efforts for the judiciary of Rwanda, including through recruitment of Rwandan legal professionals and training and attachment programmes, in view of the intention to transfer cases for prosecution to Rwanda as from 2005;

10. *Recognizes* the importance of carrying out an effective outreach programme in the overall mandate of the Tribunal and its completion strategy, and requests the Tribunal, in accordance with its mandate, to develop and implement outreach programmes that are proactive, utilizing available resources optimally, and that contribute to the reconciliation process by effectively developing an increased understanding of its work among Rwandans;

11. *Requests* the Secretary-General to report on the outreach programme of the Tribunal and on future measures to ensure the smooth transfer of cases to national jurisdiction in the context of the proposed budget of the Tribunal for the biennium 2006-2007;

12. *Decides* to approve the proposed post and non-post resources for the Investigations Division for 2005;

13. *Decides also* on a revised appropriation to the Special Account for the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 of a total amount of 255,909,500 United States dollars gross (231,506,500 dollars net) for the biennium 2004-2005;

14. *Decides further* to apportion for 2005 the amount of 69,123,700 dollars gross (62,434,375 dollars net), including 10,292,650 dollars gross (9,115,500 dollars net), being the increase in assessments among Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for 2005;

15. *Decides* to apportion for 2005 the amount of 69,123,700 dollars gross (62,434,375 dollars net), including 10,292,650 dollars gross (9,115,500 dollars net), being the increase in assessments among Member States in accordance with the rates of assessment applicable to peacekeeping operations for 2005;

16. *Decides also* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraphs 14 and 15 above, their respective share in the Tax Equalization Fund in the amount of 13,378,650 dollars, including 2,354,300 dollars, being the increase in the estimated staff assessment income approved for the International Criminal Tribunal for Rwanda for the biennium 2004-2005.

**Annex**

**Financing for the biennium 2004-2005 of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994**

| | *Gross* | *Net* |
|---|---|---|
| | *(United States dollars)* | |
| 1. Initial appropriation for the biennium 2004-2005 (resolution 58/253) | 235 324 200 | 213 275 500 |
| Add: | | |
| 2. Proposed changes for the biennium 2004-2005 (A/59/549) | 25 647 300 | 23 293 000 |
| Less: | | |
| 3. One-time adjustment reflecting projected savings for 2004 (A/59/549) | (5 062 000) | (5 062 000) |
| 4. Proposed revised appropriation for the biennium 2004-2005 | 255 909 500 | 231 506 500 |
| 5. Assessment for 2004 | (117 662 100) | (106 637 750) |
| 6. Balance to be assessed for 2005 | 138 247 400 | 124 868 750 |
| Of which: | | |
| 7. Contributions assessed on Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for 2005 | 69 123 700 | 62 434 375 |
| 8. Contributions assessed on Member States in accordance with the scale of assessments applicable to peacekeeping operations of the United Nations for 2005 | 69 123 700 | 62 434 375 |